

EXHIBIT SS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

-and-

Case No:

DQ 02-CV-648

KATHY KOCH,

Intervenor/Plaintiff,

vs.

LA WEIGHT LOSS CENTER, INC.,

Defendant.

VIDEOTAPED DEPOSITION OF KATHY KOCH

New York, New York

Wednesday, November 30, 2005

Reported by:

CHARISSE KITT, CSR, RPR

JOB NO. 179730

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1 THE VIDEOGRAPHER: This is
2 videotape number one, of the
3 deposition of Kathy Koch, in the
4 matter of Equal Employment
5 Opportunity, Plaintiff and Kathy Koch,
6 intervening Plaintiff versus LA Weight
7 Loss Centers, Incorporated, Defendant,
8 pending in the United States District
9 Court, in the District of Maryland,
10 case number WDQ 02-CV-648.

11 This deposition is being taken at
12 the offices of Wolf Block at 160 --
13 excuse me, 250 Park Avenue, New York
14 City. It was made at the request of
15 David Landau of Wolf Block.

16 The videographer is Shelly Rusten,
17 here on behalf of Esquire Deposition
18 Services.

19 Would counsel and all present
20 please identify themselves for the
21 record.

22 MR. LANDAU: David Landau, for LA
23 Weight Loss Centers, Inc.

24 MS. WHITE: Pamela J. White, of
25

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1 Q If you need a break, we'll take a
2 break. If you don't understand any of my
3 questions, please stop me and I'll
4 rephrase them.

5 Is that okay with you?

6 A Yes.

7 Q And Ms. Koch, you are the
8 Plaintiff, intervening Plaintiff in the
9 action EEOC versus LA Weight Loss?

10 A Yes.

11 Q And did you file a claim against
12 LA Weight Loss with EEOC in June of 1998?

13 A Yes.

14 Q And in your complaint in this
15 case, have you alleged that you lost your
16 job at LA Weight Loss after you complained
17 about a policy and practice against hiring
18 men?

19 A Yes.

20 Q And after you left LA Weight Loss
21 were you unemployed?

22 A Yes.

23 Q The end of 1998 -- and you left
24 LA Weight Loss in approximately March of
25

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1 Ober Kaler, for Kathy C. Koch, the
2 intervening Plaintiff.

3 MR. PHILLIPS: Ron Phillips, for
4 Plaintiff EEOC, appearing by
5 telephone.

6 THE VIDEOGRAPHER: We're going on
7 the record at approximately 3:10 p.m.

8 Will the court reporter please
9 swear in the witness.

10 K A T H Y K O C H, called as a witness,
11 having been first duly sworn by a Notary
12 Public of the State of New York, was examined
13 and testified as follows:

14 EXAMINATION BY

15 MR. LANDAU:

16 Q Good afternoon, Ms. Koch.

17 A Hello, David.

18 Q We're here to take a very brief
19 videotape deposition of you in this
20 matter. If at any time you don't hear my
21 question, particularly in light of the
22 sound effects today, I -- please stop me
23 and I'll repeat it.

24 A Okay.
25

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1 1998, sometime around March 1998, if you
2 can recall?

3 A I believe so.

4 Q And after that -- at the end of
5 1998 did you move to New York?

6 A Yes.

7 Q Now, as part of your claim against
8 LA Weight Loss in this action, are you
9 seeking lost wages for the time you were
10 unemployed?

11 A Yes.

12 Q And are you also seeking any loss
13 benefits during the time you were
14 unemployed?

15 A Yes.

16 Q And have you also claimed in this
17 case that LA Weight Loss caused you
18 emotional distress, suffering and pain?

19 A Yes.

20 Q And are you seeking damages from
21 LA Weight Loss, for that emotional pain
22 and suffering you suffered because of
23 LA Weight Loss's conduct?

24 A Yes.
25

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Q And have you also alleged that LA Weight Loss's conduct towards you was malicious, willful, and reckless?

A Yes.

Q And are you seeking punitive damages against LA Weight Loss to punish them for their actions?

A Yes.

Q Are you also seeking your attorney's fees and cost in connection with your case against LA Weight Loss?

A Yes.

Q Now, on November 21, 2005, did LA Weight Loss enter into a settlement agreement with you?

A Yes.

Q And are the terms of that settlement confidential?

A Yes.

Q And is the confidentiality and the terms of that settlement important to you and material to you?

A Yes.

Q Are you fully satisfied with the

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resolve all of your claims for compensatory damages for your pain and suffering and emotional distress?

A Yes.

Q Does the settlement agreement resolve all of your claims against LA Weight Loss for your claim of punitive damages?

A Yes.

Q And does the settlement agreement resolve all of your claims against LA Weight Loss for attorneys' fees and cost?

A Yes.

Q Does the settlement agreement resolve all of your claims with respect to anything to do with your employment at LA Weight Loss Centers?

A Yes.

Q And you're not seeking any further relief from LA Weight Loss Centers with respect to any of your claims that you've raised in this lawsuit; is that right?

A Can you repeat that.

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settlement agreement you've entered into with LA Weight Loss Centers?

A Yes.

Q Did you voluntarily enter into that settlement agreement?

A Yes.

Q And do you understand and you read that settlement agreement?

A Yes.

Q And do you understand the terms of that settlement agreement?

A Yes, I do.

Q And does that settlement agreement resolve all of your claims against LA Weight Loss Centers?

A Yes.

Q And does the settlement agreement resolve all of your claims for loss wages?

A Yes.

Q And does the settlement agreement resolve all -- currently all of your claims for lost benefits?

A Yes.

Q Does the settlement agreement

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Q Sure. Let me rephrase that. Are you seeking any other relief, monetary or otherwise, from LA Weight Loss Centers for the claims you've raised in this lawsuit?

A No, I am not seeking other relief.

Q Are you seeking to ever be employed by LA Weight Loss again?

A No, I am not.

Q Will you ever seek from LA Weight Loss, any further monetary award or any other kind of relief from the court, with respect to any of the claims you've raised in this lawsuit?

A No.

MR. PHILLIPS: Objection as to speculative.

MR. LANDAU: I have nothing further.

MS. WHITE: I have nothing further.

Mr. Phillips?

MR. PHILLIPS: Let's go off the record for a minute.